

Notice of Allowability	Application No.	Applicant(s)	
	10/070,486	TURINI ET AL.	
	Examiner	Art Unit	
	JOHN PAK	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's reply of 1/25/2005.
2. ☒ The allowed claim(s) is/are 1, 9, 11, 13-15, 10, 29-30, 32-34 [renumbered as 1-12].
3. ☒ The drawings filed on 29 July 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/25/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


JOHN PAK
PRIMARY EXAMINER
GROUP 1600

This Office action is in response to applicant's amendments and remarks filed on 1/25/2005.

Claims 1-2, 9-11, 13-22 and 29-40 are pending in this application. Claims 2, 16-22 and 35-40 stand withdrawn as being directed to non-elected subject matter. Claims 1, 9-11, 13-15 and 29-34 will presently be examined.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Mr. Barrett on 5/26/2005 and 5/31/2005.

Cancel claims 2, 16-22, 31 and 35-40.

Amend the claims as follows.

Claim 1. (Currently amended) A method of treating sepsis comprising the step of administering to a patient with sepsis a therapeutically effective amount of a composition which comprises at least one lipid, wherein the lipid provides greater than 35% to about 75% or less of the total energy of the composition, wherein the composition comprises a n-6/n-3 fatty acid ratio of about 2/1 to about 7/1, wherein the composition includes about 25% to about 70% MCT (medium chain triglycerides) by

Art Unit: 1616

weight of the total lipid, and wherein the composition includes a protein source and a carbohydrate source.

Claim 10. (Currently amended) A method of treating inflammatory shock comprising the step of administering to a patient suffering inflammatory shock a therapeutically effective amount of a composition which comprises at least one lipid, wherein the lipid provides greater than 35% to about 75% or less of the total energy of the composition, wherein the composition comprises a n-6/n-3 fatty acid ratio of about 2/1 to about 7/1, wherein the composition includes about 25% to about 70% MCT (medium chain triglycerides) by weight of the total lipid, and wherein the composition includes a protein source and a carbohydrate source.

Claim 11, line 2: delete "comprises" and insert --- includes --- .

Claim 13, line 2: delete "comprises" and insert --- includes --- .

Claim 14, line 2: delete "comprises" and insert --- includes --- .

Claim 30, line 2: delete "comprises" and insert --- includes --- .

Claim 32, line 2: delete "comprises" and insert --- includes --- .

Claim 33, line 2: delete "comprises" and insert --- includes --- .

It is noted that cancellation of claims 2, 16-22 and 35-40 is in accordance with the restriction requirement of record. Cancellation of claim 31 is due to the fact that the feature of claim 31, which is dependent on claim 10, is already found in claim 10.


Art Unit: 1616

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machines is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner John Pak whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Mr. Gary Kunz, can be reached on **(571)272-0887**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(571) 272-1600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have a question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN PAK
PRIMARY EXAMINER
GROUP 1600